

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JOHN K. WALTON,

Plaintiff,

vs.

MICHEAL MYERS, Director; WEST, Captain, Official capacity; SULLIVAN, LT, Official capacity; MOSS, Sgt, Official capacity; GILLISPIE, Officer, Individual capacity; and PENAHERRARA, Officer;

Defendants.

8:20CV224

MEMORANDUM AND ORDER

This matter is before the court on case management. On July 13, 2020, the court received notice that Plaintiff was no longer incarcerated at Douglas County Corrections (“DCC”). ([Filing 8 at CM/ECF p. 2](#), Case No. 8:20CV249.) Plaintiff indicated in a filing in 8:20CV249 ([filing 5 at CM/ECF p. 3](#), Case No. 8:20CV249) that he would be moving to the Nebraska State Penitentiary and the Nebraska Department of Correctional Services (“NDCS”) website reflects that Plaintiff is now in custody in the Diagnostic and Evaluation Center.¹ The court has updated Plaintiff’s address accordingly.

On June 18, 2020, the court granted Plaintiff’s motion seeking leave to proceed IFP and ordered him to pay an initial partial filing fee in the amount of \$15.03 within 30 days. ([Filing 7](#).) In light of Plaintiff’s recent move to a new institution, the court will allow Plaintiff additional time to pay his initial partial filing fee and will provide notice to his present institution of its responsibility, after payment of the initial partial filing fee, to collect the remaining installments of the

¹ See https://dcs-inmatesearch.ne.gov/Corrections/COR_input.html.

filings fee and forward the payments to the court pursuant to 28 U.S.C. § 1915(b)(2).

IT IS THEREFORE ORDERED that:

1. Plaintiff shall have until **August 17, 2017** to pay his initial partial filing fee of \$15.03. Plaintiff must pay this initial partial filing fee by the appointed deadline or his case will be subject to dismissal. Plaintiff may request an extension of time if one is needed.
2. The clerk's office is directed to send a copy of this order and a copy of the court's June 18, 2020 Memorandum and Order ([filing 7](#)) to the appropriate official at Plaintiff's institution.
3. The clerk's office is directed to set a pro se case management deadline in this case using the following text: **August 17, 2017**: initial partial filing fee payment due.

Dated this 17th day of July, 2020.

BY THE COURT:

Richard G. Kopf
Richard G. Kopf
Senior United States District Judge